

Transcript of Gary Marbutt on February 2, 2007.

I will give you some examples of why this bill is needed, but I want to start out with one example. It was about three years ago there was a woman home alone in her apartment in Billings. In the evening and somebody was pounding on her door. And she went to the door and said "Who's there?" And the male voice said "Let me in, let me in." And she said "No, I'm not expecting anybody, um go away." And he kept pounding on the door saying "Let me in, let me in." And she said "No, go away, I'm not expecting anybody." He pounded on the door some more and said "Let me in," and finally she opened the door and when she did she had a small revolver in her hand at her side pointed down at the floor. It turns out the man pounding on the door, who had not identified himself, was the apartment maintenance man. He saw the gun. He called police. The police came, they arrested the woman, ah the county attorney charged her with three felonies. Umm, Intimidation, Assault, and I believe Reckless Endangerment. In any case, by the time I had heard about this, ah public defender had plea bargained her guilty to two misdemeanors. Um, and I think that there is a whole lot of travesties going on in that example, but one is the overzealous charging by the prosecutor in order to leverage a plea bargain. He wanted another notch on his prosecutor gun and wanted a cheap and easy one so he ran the cost of defense on her criminal charges up to \$50,000 or more, knowing that she couldn't afford it and knowing that she would have to plead guilty to something in order to get off. Well, that's just one example and I have other examples if you want them but I don't want to talk to long, so let me talk about the bill specifically.